



MaineCare Services

An Office of the
Department of Health and Human Services

John E. Baldacci, Governor

Brenda M. Harvey, Commissioner

Department of Health and Human Services
MaineCare Services
442 Civic Center Drive
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 287-2674; Fax: (207) 287-2675
TTY: 1-800-423-4331

Re: 2007 fee for prescriber registration for confidentiality

Dear Sir or Madam:

This letter is to notify you of a fee now due under a Maine law that funds a registration program for prescribers who do not wish their prescribing information to be used for drug marketing purposes. **An invoice for the amount of fee due from your company is enclosed.**

Title 22 M.R.S.A. §1711-E requires the Maine Department of Health and Human Services to collect the fee annually in order to create and maintain registration of prescribers electing to maintain prescriber confidentiality.

A fee of \$1,500, established by 10-144, Chapter 275, section 3, of the Department's rules, is owed by each manufacturer, and each labeler, of prescription drugs that are dispensed to members of the Maine Medicaid program or to enrollees in Maine's elderly low-cost drug program if the manufacturer (or labeler) directs, utilizes or employees one or more marketing representatives in Maine.

If your company and its labelers did not direct, utilize or employ one or more marketing representatives in Maine in 2007, it is not liable for the annual fee for 2007. In such case, a letter from your company representing the basis by which the company asserts it does not owe the fee should be substituted. The Department will respond only if it requires additional information or if any dispute exists.

The fee for 2007 is due only now because of a delay in rulemaking. Much of that delay was due to a Federal District Court injunction that temporarily prohibited the State of Maine from proceeding with rulemaking and collection of the fee. The District Court subsequently issued an order expressly permitting the State of Maine to proceed with rulemaking and collection of the fee.

As a result, the rule establishing the fee took effect March 22, and **the fee for 2007 is due April 21, 2008.** Because of the short time frame for payment of this fee, the Department will not treat payments of this fee as late if made within 30 days of the April 21 due date.

By Maine law, the fee for 2008 will become due October 1, 2008. The fee again will be \$1,500 per manufacturer, and per labeler, of prescription drugs that are dispensed to members of the Maine Medicaid program or to enrollees in Maine's elderly low-cost drug program if the manufacturer (or labeler) directs, utilizes or employees one or more marketing representatives in Maine.

To minimize confusion, it should be noted that Maine laws currently provide for a number of separate fees on drug manufacturers and labelers which have such contacts with Maine and activity within the state. There are separate fees supporting prescriber registration for confidentiality.

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Payments should be made to: Treasurer State of Maine, Attn: Carol Bean, 442 Civic Center DR. Augusta ME 04333. Questions and letters from your company representing the basis by which the company asserts it does not owe the fee should be substituted can be sent to the Attn: Jennifer Cook, Pharmacy Unit at the same address.

Sincerely

A handwritten signature in black ink, appearing to read "Bruce McClenahan".

Bruce McClenahan
Pharmacy Unit Manager

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